

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 THURSDAY, JULY 11, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Michael
18 Mapes, held at the offices of The Mining
19 Exchange, A Wyndham Grand Hotel & Spa,
20 8 South Nevada Avenue, Colorado Springs,
21 Colorado, commencing at 9:41 a.m., on the
22 above date, before Carrie A. Campbell,
23 Registered Diplomat Reporter and Certified
24 Realtime Reporter.

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26 GOLKOW LITIGATION SERVICES
27 877.370.3377 ph | 917.591.5672 fax
28 deps@golkow.com

1 Q. And we've never spoken on the
2 phone?

3 A. Not that I'm aware of.

4 Q. Or had any communication,
5 right?

6 A. Yep.

7 Q. Okay. And this is a question
8 that often comes up in depositions and might
9 seem strange to you, but it's a standard
10 question that we always ask witnesses.

11 Are you on any medications
12 today that would affect your ability to
13 recall information or testify truthfully here
14 today?

15 A. No.

16 Q. Okay. And you understand that
17 DOJ and DEA have authorized you to testify
18 here today on behalf -- regarding certain
19 topics about your work at DEA, right?

20 A. Yes.

21 (Mapes Exhibit 1 marked for
22 identification.)

23 QUESTIONS BY MS. MCCLURE:

24 Q. I'm going to hand you a
25 document that has been marked Mapes 1. And

1 A. That's correct.

2 Q. And what did you tell the
3 plaintiffs' attorneys regarding suspicious
4 order monitoring, that topic?

5 A. We discussed the suspicious
6 order monitoring, what the regulation says
7 about suspicious order monitoring, and what
8 the current practice is within DEA.

9 Q. And by "current practice," you
10 mean today?

11 A. Yes.

12 Q. Now, you left DEA. We'll go
13 through your background in more detail, but
14 you left DEA in 2007, correct?

15 A. That's correct.

16 Q. But you're aware of the current
17 practice today with respect to DEA because
18 you are still in the industry and are aware
19 of DEA practices; is that fair?

20 A. That specific practice, yes,
21 because I've talked to DEA folks about it.

22 Q. When you say you've "talked to
23 DEA folks" about that specific practice, are
24 you saying you've talked to DEA folks since
25 you left DEA in 2007 regarding DEA's approach

1 to suspicious order monitoring?

2 A. Yes.

3 Q. With whom have you had
4 discussions at DEA since you left it in 2007
5 about DEA's approach to suspicious order
6 monitoring?

7 A. More than one person. The one
8 I remember is Cathy Gallagher, who was the
9 chief of the liaison and policy section.

10 Q. And have you talked with
11 Ms. Gallagher once or more than once?

12 A. More than once.

13 Q. How regularly have you
14 communicated with Ms. Gallagher since 2007
15 regarding DEA's approach to suspicious order
16 monitoring?

17 A. Not regularly. It's been two
18 or three times, possibly.

19 Q. And that's two or three times
20 since 2007?

21 A. Yes.

22 Q. Have you spoken with anyone
23 else at DEA regarding DEA's approach to
24 suspicious order monitoring since the time
25 you left DEA?

1 A. Yes.

2 Q. And would you agree that it
3 could be reasonable for a retail chain
4 pharmacy like Walmart to not have to include
5 all of the compliance measures in its SOM
6 systems that might be necessary for a
7 distributor who distributes controlled
8 substances to customers that the distributor
9 does not own?

10 MR. BENNETT: Objection.

11 Scope. Vague. Incomplete
12 hypothetical.

13 You can answer.

14 THE WITNESS: Yes, I agree
15 there could be differences between the
16 systems for those two organizations.

17 QUESTIONS BY MR. STEPHENS:

18 Q. Okay. Would you agree that
19 during your tenure at DEA you expected that
20 each registrant would take reasonable steps
21 to try to avoid shipping to customers who
22 would divert the controlled substances?

23 A. Yes.

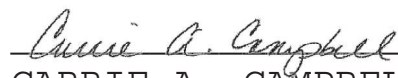
24 Q. And would you agree that one
25 key point of the Controlled Substances Act is

CERTIFICATE

I, CARRIE A. CAMPBELL, Registered
Diplomate Reporter, Certified Realtime
Reporter and Certified Shorthand Reporter, do
hereby certify that prior to the commencement
of the examination, Michael Mapes, was duly
sworn by me to testify to the truth, the
whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth, to the best of my
ability.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney
nor counsel of any of the parties to this
action, and that I am neither a relative nor
employee of such attorney or counsel, and
that I am not financially interested in the
action.


CARRIE A. CAMPBELL,
NCRA Registered Diplomate Reporter
Certified Realtime Reporter
Notary Public
Dated: July 11, 2019